

in respect of which the determination of the official referees is required; and that the determination of such referees, or of one of such referees, with the assent of the registrar of metropolitan buildings, as to all or any of the points in difference on which such referees shall make their award, and as to the costs, charges and expenses of such referees, shall be binding on all parties to such referees.

Award and Powers of Referees—Legal Effect of Awards—Effect as to Persons.

76. And he it enacted, with regard to the official referees, so far as relates to their authority in respect of any referees to them, and to the effect of their award upon the rights and interests of the owners and possessors of property, that it shall be lawful for such referees and they are hereby empowered to exercise all such powers as arbitrators as they would have had in case they had been appointed under an order of her Majesty's Court of Queen's Bench at Westminster; and that if such award be given in writing, and be sealed by the official and the registrar of metropolitan buildings, it shall be as effectual as if made under an order of referees by such court, and shall be binding and conclusive against every person, body politic and corporate, including the Queen's Majesty, her heirs and successors, claiming any estate, right, title, trust, use or interest in, or to or out of the said premises or any part thereof, either in possession, reversion, remainder, or expectancy, and against every other person whomsoever.

Effect of Awards as Evidence.

77. And he it enacted, with regard to such award, so far as relates to the effect thereof as evidence of the matter thereof, that if on the trial or hearing of any cause or matter in any court of law or equity no document, any copy of an award, signed and sealed with the seal of the said registrar, be produced, then it shall be the duty of all judges, justices, and others, and they are hereby required to receive the same as *prima facie* evidence of the matters therein contained.

Declaration of Official Referee.

80. And he it enacted, with regard to the official referees, so far as relates to the declaration of official fidelity, that before any official referee shall set in pursuance of his appointment, it shall be his duty and he is hereby required to take the following declaration, to be administered by the Chief Baron or any other of the barons of her Majesty's Court of Exchequer; that is to say,—"I, A. B., do solemnly declare, that I will diligently, faithfully, and impartially execute the duties of an official referee in relation to matters arising under the provisions of the Act made and passed in the year of the reign of her present Majesty, intituled 'An Act for regulating the Construction and the Use of Buildings in the Metropolis and its Neighbourhood, and commonly called 'The Metropolitan Buildings Act.'"

Regulation of Business of the Official Referees—Official Referees may delegate Powers

81. And he it enacted, with regard to such official referees, so far as relates to the regulation of the business of their office, that when any matter is by this Act required, directed or permitted to be done by the official referees, the same may be done by any one of them, with the assent of the registrar of metropolitan buildings, unless express provision to the contrary be made, and if done by any one of them with such assent, it shall be as valid and effectual as if done by all of them; and that, subject to such restrictions and regulations as may be made in that behalf by the Commissioners of Works and Buildings, it shall be lawful for the official referees to appoint any one of their number, under their hands and the seal of the registrar of metropolitan buildings, to make any inquiry or any survey which shall appear to them either necessary or expedient in order to enable them to determine any matters in reference.

REGISTRAR OF METROPOLITAN BUILDINGS.

Appointment of Registrar—Tenure of Office—Rules of Office—Seal of Office—Use of Seal of Office—Report of Objections by Registrar—Authority of Commissioners of Works and Buildings.

82. And, for the purpose of duly recording relaxations of the regulations of this Act, made in pursuance of the provisions hereof in that behalf, and of providing for the revision from time to time both of such relaxations and regulations, and of providing against the partial exercise of the powers of this Act, and for the more effectually providing for the due recording of the acts of the official referees, and for exercising a due control thereon; he it enacted that it shall be lawful for the Commissioners of Works and Buildings, and they are hereby authorized and required to appoint a registrar of metropolitan buildings; and that such registrar shall hold his office during the pleasure of the said commissioners; and that, subject to the provisions of this Act, it shall be lawful for the said commissioners to make rules for regulating the execution of the duties of the office of the said registrar; and that it shall be the duty of such registrar to keep a seal, and to affix such seal to all documents made by the said official referees, and required to be sealed; and to keep all the documents and records relating to the business of their office, and to register the same; provided always, with regard to such registrar, so far as relates to the affixing of the seal of office to any document, that if it shall appear to the said registrar that any such documents are contrary to law, or not complete in any of the requisite forms, or beyond the competence of the said official referees, either with regard to the provisions of this Act or any rules or regulations prescribed for their guidance, by the said Commissioners of Works and Buildings, then it shall be the duty of the said registrar to refuse to affix the seal; and that thereafter, if the said official referees shall so require, it shall be his duty, and he is hereby required to report the matter and the particular grounds and reasons for his refusal to the said commissioners; and that upon the receipt of such report it shall be lawful for the said commissioners to authorize the said registrar to affix the seal or to confirm his refusal; provided always, with regard to such office of registrar, so far as relates to the execution of his duties in certain events, that if such registrar be ill or otherwise unable to discharge the duties of his said office, or if he be absent, then it shall be lawful for the said commissioners of works and buildings to appoint some other person to act in his behalf, and to assign to such person such part of the remuneration of the said registrar, or otherwise to remunerate him as the Lords of the Treasury shall appoint in that behalf.

Declaration of Official Fidelity.

83. And he it enacted, with regard to the registrar, so far as relates to the declaration of official fidelity, that before any registrar shall set in pursuance of his appointment, it shall be his duty and he is hereby required to take the following declaration, to be administered by the chief baron, or any other of the barons of her Majesty's Court of Exchequer; that is to say,—"I, A. B., do solemnly declare, that I will diligently, faithfully, and impartially execute the duties of registrar in relation to matters arising under the provisions of an Act made and passed in the year of the reign of her present Majesty, intituled, 'An Act for regulating the construction and the use of buildings in the metropolis and its neighbourhood,' and commonly called 'The Metropolitan Buildings Act.'"

Custody and Inspection of Records of Official Referees—Copies of Awards—Authentication of Copy, and Fee therefor.

84. And he it enacted, with regard to such awards, certificate and other records of the said official referees, so far as relates to the custody and the inspection thereof, that all such awards, certificates, and other documents relating to the business of their office shall be kept in the office of the registrar of metropolitan buildings; and that if, for the purpose of evidence or otherwise, any party require a copy of such award, then on payment of the expense thereof, and of such fee as may be appointed in that behalf, it shall be lawful for such party, and he is hereby entitled to demand from the registrar an inspection thereof, or a copy thereof or extract therefrom; and that, on such payment and demand, it shall be the duty of such registrar, and he is hereby required to give, under his hand and seal of office, a copy of any such award, or any other document, to the person so demanding the same.

Office of Registrar, and Regulation of Business.

85. And he it enacted, with regard to the registrar of metropolitan buildings, so far as relates to his office or place of business, and to the regulation of the business thereof, that it shall be lawful for the commissioners of works and buildings, and they are hereby required to appoint, in some central and convenient situation within the city of London or the city of Westminster, an office for carrying on the business of the registrar of metropolitan buildings; and registering all documents relating to such business; and it shall be the duty of the registrar to keep a register of all matters referred to the official referees, and otherwise of all matters which shall come under their cognizance in pursuance of this Act; and also to keep and preserve all documents connected with the duties of official referees; and also to receive all notices requiring any act to be done by them, and to file and number them in the order in which they are received.

Registration of Awards, &c.

86. And he it enacted, with regard to all the awards and certificates, and all documents relating to the business of the official referees, so far as relates to the registration thereof, that the same shall be registered not only circumstantially in the order in which they are received, but according to the subject-matters thereof, and also according to the order and in relation to the provisions of this Act.

Remuneration of Official Referees and Registrar—Quarterly Payments.

87. And he it enacted, with regard to such official referees and registrar, so far as relates to their remuneration, that it shall be lawful for her Majesty in grant to each of such official referees and the said registrar a salary not exceeding one thousand pounds by the year, in four equal quarterly payments; and that if any such official referee or such registrar be so employed, or he is removed from office, or if he is absent from office for more than three months in any year, then he shall be entitled to receive only such part of his salary as he shall have been actually employed in the discharge of his duties.

We apprehend the words should run, "I, A. B., do solemnly declare, that I will diligently, faithfully, and impartially execute the duties of an official referee in relation to matters arising under the provisions of the Act made and passed in the year of the reign of her present Majesty, intituled 'An Act for regulating the Construction and the Use of Buildings in the Metropolis and its Neighbourhood, and commonly called 'The Metropolitan Buildings Act.'"

This and the following provision are most excellent

We think as the "Registrar" is to be a kind of judge, and would to some knowledge of building require to have added the legal knowledge of a barrister, that for proper remuneration, and for ensuring